

S E R V E D
November 29, 2012
FEDERAL MARITIME COMMISSION

FEDERAL MARITIME COMMISSION

DOCKET NO. 11-12

COSCO CONTAINER LINES COMPANY LIMITED; EVERGREEN LINE A JOINT SERVICE AGREEMENT; HANJIN SHIPPING CO., LTD.; HORIZON LINES, LLC; KAWASAKI KISEN KAISHA, LTD.; NIPPON YUSEN KAISHA; UNITED ARAB SHIPPING COMPANY (S.A.G.); and YANG MING MARINE TRANSPORT CORPORATION

v.

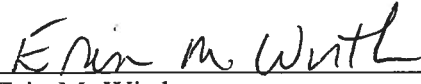
THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

ORDER GRANTING MOTION TO WITHDRAW FROM PROCEEDING

On November 16, 2012, complainant Cosco Container Lines Co. Ltd. ("Cosco") and Evergreen Line, a Joint Service Agreement ("Evergreen"), filed a motion seeking to withdraw without prejudice as complainants in this proceeding and to have their names removed from the caption of the proceeding. Cosco and Evergreen state that the respondent, The Port Authority of New York and New Jersey, consents to the withdrawal. Cosco and Evergreen state that they desire "to free themselves from the entanglements of litigation" and that they do not intend to refile in any other forum. Motion at 2. The proceeding is in the discovery phase and there is no evidence of undue vexatiousness. Good cause having been established, withdrawal will be permitted.

The Commission has previously permitted removal of party names from the caption in future case documents when the party is no longer a party to the proceeding. *Carolina Marine Handling, Inc. v. South Carolina State Ports Authority*, 30 S.R.R. 1243, 1248 (FMC 2006). Accordingly, Cosco Container Lines Co. Ltd. and Evergreen Line will be removed from the caption.

Accordingly, it is hereby **ORDERED** that the motion filed by Cosco and Evergreen to withdraw be **GRANTED**. It is **FURTHER ORDERED** that the motion to remove the names Cosco Container Lines Co. Ltd. and Evergreen Line, a Joint Service Agreement from the caption be **GRANTED**.


Erin M. Wirth
Administrative Law Judge